

Application No.: 09/708,309
Reply to 12/27/2004 Office Action
Attorney Docket No.: FPC3
Customer No.: 06980

REMARKS

In the Office Action, the Examiner rejected Claims 19-21 and 23-36. In response to the Office Action, Applicant cancels Claim 25, and amends Claims 19, 31, and 36. Applicant amends these claims herein solely to facilitate prosecution and reserves the right to pursue claims of broader scope in a continuation application.

The Examiner also allowed Claim 15 in the Office Action. Applicant respectfully thanks the Examiner with appreciation for allowing Claim 15.

After entry of the present Response and Amendment, Claims 15, 19-21, 23-24, and 26-36 are pending in the Application.

Applicant respectfully asserts that Claims 15, 19-21, 23-24, and 26-36 are patentable over the cited references of record and respectfully requests reconsideration of the claims in light of the above presented amendments and following remarks. No new matter is believed to be introduced by the above presented amendments.

I. Claims 19-21, 23-24, and 26-30

The Examiner rejected Claims 19, 20, 21, 24, 27, 28, and 29 under 35 U.S.C. § 102(b) as being anticipated by *Darcy et al.* (US Patent No. 5,823,838). The Examiner also rejected: Claims 19 and 23 as being unpatentable under 35 U.S.C. § 103(a) over *Darcy* in view of *Khanamirian* (US Patent No. 6,235,661); Claims 19 and 26 as being unpatentable under § 103(a) over *Darcy* in view of *Kroll* (US Patent No. 6,007,395); and Claims 19, 28, and 30 as being unpatentable under § 103(a) over *Darcy*. Additionally, the Examiner rejected Claim 25 under 35 U.S.C. § 112, Second paragraph as being indefinite, and also asserted that "the swimsuit fabric" limitation in claim 25 lacked sufficient antecedent basis.

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In response to these rejections, Applicant amends Claim 19 and cancels Claim 25. As Applicant has cancelled Claim 25, Applicant believes that this obviates the need to respond to the rejection to Claim 25. Regarding Claim 19, Applicant specifically amends Claim 19 to recite: "wherein said form-fitting torso covering includes an indicator dye which bleaches upon exposure to the elements to notify the wearer of degradation of the swimsuit components." Applicant respectfully submits that Page 12, Lines 11-18 of the originally filed Specification support this amendment.

Applicant respectfully submits that the cited references, either individually or collectively, fail to teach, disclose, or suggest such a limitation. Accordingly, Applicant respectfully asserts that Claim 19 is allowable over the cited references, and that dependent claims 20-21, 23-24, and 26-30 are also allowable for the further limitations contained therein. Withdrawal of the rejections to Claims 19-21, 23-24, and 26-30 is respectfully requested.

II. Claims 31-35

The Examiner rejected Claims 31-35 under 35 U.S.C. § 102(b) as being anticipated by *Frieder et al.* (US Patent No. 2,629,118). In response to this rejection, Applicant amends Claim 31 to recite: "extending outwardly away from a user and from the buoyant material of the primary thickness; and wherein the flotation swimsuit includes an indicator dye which bleaches upon exposure to the elements to notify the wearer of degradation of the swimsuit components." Applicant respectfully submits that Page 12, Lines 11-18 of the originally filed Specification support this amendment.

Applicant respectfully submits that the cited references, either individually or collectively, fail to teach, disclose, or suggest such a limitation. Accordingly, Applicant

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respectfully asserts that Claim 31 is allowable over the cited references, and that dependent claims 32-35 are also allowable for the further limitations contained therein. Withdrawal of the § 102(b) rejection to Claims 31-35 is respectfully requested.

III. Claim 36

The Examiner rejected Claim 36 under 35 U.S.C. § 103(a) as being unpatentable over *Frieder*. In response to the rejection, Applicant amends Claim 36 to recite: "wherein at least one of said torso covering and said retaining pocket includes an indicator dye which bleaches upon exposure to the elements to notify the wearer of degradation of the swimsuit components." Applicant respectfully submits that Page 12, Lines 11-18 of the originally filed Specification support this limitation.

Applicant respectfully submits that *Frieder* fails to teach, disclose, or suggest such a limitation. Accordingly, Applicant respectfully asserts that Claim 36 is allowable over *Frieder*. Withdrawal of the § 103(a) rejection to Claim 36 is respectfully requested.

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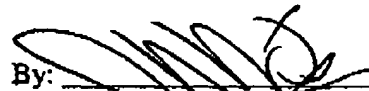
Applicant files this Response and Amendment within three (3) months of the 27 December 2004 Office Action and with no additional claims. Accordingly, Applicant believes that no extension or claims fees are due. The Commissioner is hereby authorized, however, to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 20-1507.

CONCLUSION

The foregoing is a complete response to the Office Action mailed 27 December 2004. Applicant respectfully submits that Claims 15, 19-21, 23-24, and 26-36 are patentable over the cited references of record and respectfully requests passing of this case in due course of patent office business. If the Examiner believes there are other issues that can be resolved by a telephone interview, or there are any informalities remaining in the application which may be corrected by an Examiner's amendment, a telephone call to Hunter Yancey at (404) 885-3696 is respectfully requested.

Respectfully submitted,

TROUTMAN SANDERS LLP

By: 

James Hunt "Hunter" Yancey, Jr.
PTO Registration No. 53,809
Attorney for Applicant

Troutman Sanders LLP
600 Peachtree Street, NE
Suite 5200
Atlanta, Georgia 30308-2216
(404) 885-3696-phone